

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAVID AUGUST KILLE, SR.,

Case No. 2:17-cv-01805-RFB-NJK

Petitioner,

v.

ORDER

BRIAN WILLIAMS, et al.,

Respondents.

This habeas matter comes before the Court on Petitioner David August Kille, Sr.'s failure to comply with the Order to Show Cause ("OSC"). ECF No. 35.

Kille initiated this federal habeas action *pro se* in June 2017. ECF No. 1. According to the Nevada Department of Corrections ("NDOC"), he is now paroled.¹ Kille filed two Notices of Change of Address confirming that he now lives in Las Vegas. ECF Nos. 33–34.

On July 15, 2020, this Court ordered Kille to show cause in writing why this action should not be dismissed as moot. ECF No. 35. Kille was warned that his failure to fully comply with the OSC would result in the dismissal of this action with prejudice and without further advanced notice. (*Id.*) However, Kille did not comply with the OSC by filing a response, and the 30-day deadline expired without any request for extension.

To date, Kille has not filed a response to the OSC or taken any other action to prosecute this case.

Accordingly, **IT IS THEREFORE ORDERED** that:

1. Petitioner David August Kille, Sr.'s Amended Petition for Writ of Habeas Corpus (ECF No. 7) is DISMISSED WITH PREJUDICE as moot.

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¹ This Court takes judicial notice of Kille's current status as reported in NDOC's online records. The inmate search tool may be accessed by the public online at: <https://ofdsearch.doc.nv.gov/>.

2. A certificate of appealability is DENIED as jurists of reason would not find the Court's dismissal of the amended petition to be debatable or wrong.
3. The Clerk of Court is instructed to ENTER final judgment accordingly and CLOSE this case.

DATED this 26th day of October, 2020.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE